

IN THE MATTER OF THE APPLICATION
OF HIGHS OF BALTIMORE, INC.
(BALTIMORE #45 ASSOCIATION) FOR
A SPECIAL HEARING ON PROPERTY
LOCATED ON THE SOUTH SIDE OF PUTTY
HILL AVENUE, 155' EAST OF OLD
HARFORD ROAD (2501 PUTTY HILL
AVENUE)
9TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 89-245-SPHA

OPINION

This matter comes before the Board as an appeal from the decision of the Zoning Commissioner dated January 27, 1989 which granted, with restrictions, a special hearing and zoning variance permitting an amended site plan to allow additional retail space on the subject property. The Petitioners herein, High's of Baltimore, Inc., had requested permission to construct a proposed convenience store at that location known as 2501 Putty Hill Avenue in Baltimore County.

The decision of the Zoning Commissioner was timely appealed by the Woodcroft Civic Association, Inc. and a de novo hearing was scheduled before this Board. Prior to the occurrence of that hearing, the Board was advised by High's of Baltimore, Inc. of their intention not to participate in the hearing in that they had decided not to construct the proposed store. On the date of hearing, representatives of the appellant community association appeared. However, no representatives of High's of Baltimore, Inc. appeared despite proper notice having been given. In view of the de novo nature of this Board's hearings, we must find that the Petitioners have failed to meet the burden of proof before us and therefore deny the Petition for Special Hearing, rendering the request for zoning variance moot.

Case No. 89-245-SPHA
High's of Baltimore, Inc. (Baltimore #45 Association)

ORDER

It is therefore this 2ND day of August, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing in the above case be and the same is hereby DENIED and as a result thereof the Petition for Variance is moot.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Laurence E. Schmidt
Laurence E. Schmidt, Acting Chairman



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

August 2, 1989

Mr. Robert E. Holt, Director
Woodcroft Civic Association, Inc.
2435 Woodcroft Road
Baltimore, Maryland 21234

Re: Case No. 89-245-SPHA
High's of Baltimore, Inc. (Baltimore #45 Association)

Dear Mr. Holt:

Enclosed is a copy of the Board's final Opinion and Order issued this date in the subject matter.

Sincerely,

Linda M. Kuzmaul
Linda M. Kuzmaul
Legal Secretary

Enclosure

cc: Mr. Robert L. Ward
Mr. William E. Boyley, President
(Baltimore #45 Assn., Inc.)
Mr. William Monk
Mr. Thomas Darnell
Mr. William Darnell
Mr. Thomas P. Davis
Mr. Howard J. Beares, Jr.
Mr. John E. Vermillion
Mr. Harry Miklas
P. David Fields
Rae Koller
J. Robert Haines
Ann W. Mosterewicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

IN RE: PETITION FOR SPECIAL HEARING
AND ZONING VARIANCE
25 PUTTY HILL AVE. 155' E. OLD
HARFORD R. (2501 PUTTY HILL)
9TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 89-245-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Special Hearing to approve an amended site plan (case #73-293K) to allow additional retail space (convenience food store) to be situated on the Putty Hill Avenue side of the existing parking lot and Petition for a Zoning Variance from Sections 232.1 and 303.2 to allow a front yard setback of 10 feet in lieu of the required front average of 82 feet, as more particularly described on Petitioners' Exhibits 1 and 2.

Mr. William Raymond Boyley, President, Baltimore #45 Association, Inc. appeared and testified on behalf of the Petitioner and was represented by William P. Monk, Esquire. Also appeared on behalf of the Petitioner was Mr. Thomas Darnell, Vice President of High's of Baltimore, Inc. and Mr. William Darnell. There were Protestants who appeared and testified, namely, Robert E. Holt, who represented the Woodcroft Civic Association and, Messrs. Thomas P. Davis, Howard J. Beares, Jr., Robert E. Holt, John E. Vermillion, Harry Miklas, and Robert L. Ward.

The evidence and testimony in this matter provided by the Petitioner and the Petitioner's witnesses tend to establish that the property is a currently existing retail establishment located approximately along the southeastern corner of Putty Hill Avenue and

Old Harford Road. The subject site is presently used as a community building for the Tall Cedars Lodge of Baltimore #45, Inc. The Tall Cedars Lodge was formerly a food store which was incorporated with an additional retail shopping district which remains on the eastern half of the overall shopping center tract. The property has been technically subdivided and the remaining retail shopping district is in the legal ownership of another party and the only retail space which will be included in the Petitioner's request will be the new proposed convenience store. The proposed convenience store will be a High's Dairy Store in keeping with the traditional format developed by High's of Baltimore, Inc. This is the typical design used throughout Baltimore County and as shown on Petitioner's Exhibit 13. This Exhibit represents the traditional new construction and development for a High's Dairy Store.

The Petitioner, in conjunction with the Lessee, High's of Baltimore, Inc. is requesting an amendment to the Special Exception granted in zoning matter, 73-293K to provide for the retail establishment as shown on Petitioner's Exhibits 1 and 2. The testimony supplied by the Petitioner's witnesses indicates that their market analysis has determined that additional convenience store facilities in this general vicinity will be primarily serviced by the immediate surrounding population and will not be detrimental to the health, safety and general welfare of the community.

There was extensive testimony concerning the traffic flow patterns along both Old Harford Road and Putty Hill Avenue indicating that a large percentage of the afternoon rush hour traffic is concentrated on the same side of the street as the proposed High's Store. This traffic

pattern will facilitate easy ingress and egress for primary customer loads for convenience stores, namely, shopping or return from work during normal business hours. There was also extensive testimony as to the requirements of Section 502.1 of Baltimore County Zoning Regulations (B.C.Z.R.) concerning the prerequisites of a special exception.

The Petitioner's witnesses also testified to the need for the subject variance and the requirements of Section 307 of the B.C.Z.R. This variance will allow the proposed High Store to be constructed in such a manner as to not block the Old Harford Road entrance to the subject shopping center and to allow the proposed convenience store to be located in such a manner as to be immediately visible to traffic along Putty Hill Avenue. The front of the proposed structure will actually face easterly onto the parking lot as opposed to directly onto Putty Hill Avenue. This will facilitate the signage on the front of the building.

The Petitioner's witnesses testified concerning the proposed operation of the store which will be from 6:00 A.M. until 11:00 P.M., 7 days a week. This store will not be a 24 hour operation; thereby decreasing the traffic flow during the sleeping hours for the residential community located across Putty Hill Avenue and to the rear of the entire shopping center in the Ridge Garden Apartments.

The Protestants' testimony primarily dealt with the adverse impact believed to be generated by additional commercial uses on this site upon both Putty Hill Avenue and Harford Road. It is the opinion of most of the Protestants that an additional convenience store in the greater community is unnecessary. The Protestants also believe that this

operation would lead to an undesirable group of individuals patronizing the current shopping center and lead to additional traffic hazards at the intersection of Old Harford Road and Putty Hill Avenue. There was extensive testimony by some of the Protestants concerning the traffic volume on both major roads and the number of accidents along this particular stretch of Putty Hill Avenue. The Protestants primary objection to this operation seems to be their belief that an additional convenience store operation is unnecessary and primary objection to any further development on this particular site.

Thomas P. Davis, a Protestant, who is the operator of a nearby 7-11 convenience store on Old Harford Road, testified in opposition to the need for additional convenience store operations and the lack of adequate customer base to support this proposed operation. Robert E. Holt, a Protestant, testified to traffic statistics he obtained from the Baltimore County Police Department concerning traffic counts and numbers of accidents in the past three years. Robert L. Ward, a Protestant, testified to the lack of need for additional convenience store operation.

One of the most difficult responsibilities of the Baltimore County Zoning Commissioner is the responsibility to address community desires and beliefs versus the legally established rights of property owners to develop property consistent with the underlying zoning rights. The issue before the Zoning Commissioner, in any Petition for Special Exception, is not one of desirability or of appropriateness of additional competing commercial interests. The responsibility of the Zoning Commissioner is to test the evidence presented at public hearing against the standards established as a matter of law in Section 502.1

of the B.C.Z.R. Clearly, the evidence in this case substantiates that all of the prerequisites of Section 502.1 have been, or would be complied with by this proposed special exception use for a convenience store on this particular lot. The B.C.Z.R. regulations permit convenience stores by Special Exception.

There is absolutely no evidence on which to deny the variance requested. The subject variance complies with all of the requirements set forth in Section 307.1 of the B.C.Z.R. The evidence in the record, clearly, establishes a hardship and practical difficulty as to the normal placement of the proposed convenience store. The proposed location would actually be more beneficial to the overall traffic patterns and primary development goals of this particular site.

The issue in the Special Exception is whether or not the requirements of Section 502 of the B.C.Z.R. have been successfully met by the Petitioner. The cases clearly establish that "... the appropriate standard to be used in determining whether a requested special exception use would have an adverse affect and, therefore, should be denied is whether there are facts and circumstances that show the particular use, proposed at the particular location, would have any adverse affect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 at 1327 (1981).

The Court went on to say in *Schultz* that,

"... the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the

neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan for the Board to decide. But, if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal." (at pg.1325)

The Petitioner must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community to meet his burden. See, Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973). When the Petitioner produces credible and probative evidence on all of the specific issues established by Section 502.1, then a special exception should be granted.

In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the community and would not adversely affect the public good.

A special exception is a granting by the Zoning Commissioner or Deputy Zoning Commissioner, pursuant to the existing provisions of the Baltimore County Zoning Regulations (B.C.Z.R.). It is subject to the guidelines and standards contained in the provisions of the B.C.Z.R. A special exception is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. The Zoning Commissioner or Deputy Zoning Commissioner must in each case, decide under the specific standards set forth in Section 502 of the B.C.Z.R. whether the

presumptive compatibility does, in fact, exist in this case. See, Rockville Pool and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499 (1970). Furthermore, "... there cannot be a grant of a Special Exception unless the B.C.Z.R. provide that the conditional use sought is permissible in the zone in which the land involved is situated. ..." Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). The duty of the Zoning Commissioner or Deputy Zoning Commissioner is to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the zoning plan.

The Petitioner has the burden of adducing testimony which will establish that the Petitioner's use meets the prescribed standards and requirements. He does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community and, furthermore, if the Petitioner shows to the satisfaction of the Zoning Commissioner or Deputy Zoning Commissioner that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, then the Petitioner has met the burden of proof. See Anderson v. Sawyer, 23 Md. App. 612, 617, 329 A.2d 716, 720 (1974).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the proper-

ty for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of December, 1989, that the Petition for Special Hearing to approve an amended site plan (case #73-293X)

to allow additional retail space (convenience food store) to be situated on the Putty Hill Avenue side of the existing parking lot and Petition for a Zoning Variance from Sections 232.1 and 303.2 to allow a front yard setback of 10 feet in lieu of the required front average of 82 feet, as more particularly described on Petitioners' Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAPAC), which are adopted in their entirety and made a part of this Order.
3. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
4. The Petitioner shall not operate between the hours of 12:00 midnight and 5:00 A.M., 7 days a week.
5. The Petitioner shall develop a landscape plan that shall be approved by the County Landscaping Planner.

JRH:mm
cc: Peoples Counsel
William Monk, Esquire

Mr. Thomas Darnell, Vice President of High's, Inc.
Mr. William Darnell
Mr. William R. Bosley, President, Balto. #45 Assn.
Mr. Thomas P. Davis
Mr. Robert E. Holt
Mr. John E. Vermillion
Mr. Harry Niklas
Mr. Robert P. Ward
Mr. Howard J. Beares, Jr.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

January 25, 1989

William P. Monk, Esquire
22 West Pennsylvania Avenue, Suite 204A
Towson, Maryland 21204

RE: Petition for Special Hearing & Zoning Variance
Case #89-245-SPHA
Baltimore #45 Association, Legal Owner
High's of Baltimore, Inc., Lessee, Petitioners

Dear Mr. Monk:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Hearing and Zoning Variance have been granted, in accordance with the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-1391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mm
att:
cc: Peoples Counsel
Mr. Thomas Darnell, Vice President of High's, Inc.
Mr. William Darnell, High's, 2700 Sisson Street, Balto. Md. 21211
Mr. William R. Bosley, President, Balto. #45 Assn., 2401 Putty Hill Avenue, Baltimore, Md. 21234

page 2
Mr. Thomas P. Davis, 8605 Old Harford Road, Balto. Md. 21234
Mr. Howard J. Beares, Jr., 2439 Woodcroft Road, Balto. Md. 21234
Mr. Robert E. Holt, 2435 Woodcroft Road, Balto. Md. 21234
Mr. John E. Vermillion, 2520 Woodcroft Road, Balto. Md. 21234
Mr. Harry Niklas, 8708 Super Road, Baltimore, Md. 21234
Mr. Robert P. Ward, 2408 Burridge Road, Baltimore, Md. 21234

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amended site plan (case #73-293-X) to allow additional retail space (convenience food store) to be situated on the parking lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm under the penalties of perjury, that I, we are the legal owner(s) of the property which is the subject of this Petition.

Lessee:
CARANNE PUGHKARY
High's of Baltimore, Inc.
(Type or Print Name)
Signature
2700 Sisson Street
Address
Baltimore, Maryland 21211
City and State

Legal Owner(s):
Baltimore #45 Association, Inc.
(Type or Print Name)
Signature
William Raymond Bosley
(Type or Print Name)
Signature

2700 Sisson Street
Address
Baltimore, MD 21234
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
William P. Monk
Name
22 W. Pennsylvania Avenue, Ste. 204A
Address
Towson, MD 21204
City and State

204-494-8931

ORDERED BY The Zoning Commissioner of Baltimore County, this 27th day of December, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 21st day of December, 1989, at 7:00 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 232.1, 303.2 (and Zoning Policy Manual Section 5-2.18.2) to allow a front yard setback of 10 feet in lieu of the required front average of 82 feet, as more particularly described on Petitioners' Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

1. We do solemnly declare and affirm under the penalties of perjury, that I, we are the legal owner(s) of the property which is the subject of this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

1. We do solemnly declare and affirm under the penalties of perjury, that I, we are the legal owner(s) of the property which is the subject of this Petition.

Lessee:
CARANNE PUGHKARY
High's of Baltimore, Inc.
(Type or Print Name)
Signature
2700 Sisson Street
Address
Baltimore, MD 21211
City and State

Legal Owner(s):
Baltimore #45 Association, Inc.
(Type or Print Name)
Signature
William Raymond Bosley
(Type or Print Name)
Signature

2700 Sisson Street
Address
Baltimore, MD 21211
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
William P. Monk
Name
22 W. Pennsylvania Ave., Suite 204A
Address
Towson, MD 21204
City and State

204-494-8931

ORDERED BY The Zoning Commissioner of Baltimore County, this 27th day of December, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 21st day of December, 1989, at 7:00 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

#153

ZONING DESCRIPTION FOR SPECIAL HEARING AND VARIANCE APPLICATION

BEGINNING on the south side of Putty Hill Road, 60 feet wide, at a distance 155 feet from the intersection of the east side of Old Harford Road (60 feet wide) and the south side of Putty Hill Road and running the following courses and distances:

1. South 55 degrees 01 minutes 40 seconds east 323.31;
2. S 70 degrees 10 minutes west 40 feet;
3. South 34 degrees 0 minutes west 60 feet;
4. North 55 degrees 0 minutes west 60 feet;
5. South 34 degrees 0 minutes west 110 feet;
6. North 55 degrees 0 minutes west 40 feet;
7. South 34 degrees 0 minutes west 208 feet;
8. North 57 degrees 28 minutes west 257 feet;
9. North 13 degrees 42 minutes 20 seconds east 220 feet;
10. South 16 degrees 17 minutes 40 seconds east 127.12 feet to place of
11. North 34 degrees 50 minutes 20 seconds east 127.20 feet to place of beginning containing 108,987 square feet in the 9th Election District.

CERTIFICATE OF POSTING

79-245-SPH

POSTED FOR: Variance of S. 100 ft. Harford Rd.

POSTED BY: Robert E. Holt

LOCATION OF PROPERTY: 315 Putty Hill Rd., 155' E Old Harford Rd., 2301 Putty Hill Rd.

LOCATION OF SIGN: 315 Putty Hill Rd. near E. Harford Rd. on property of Baltimore #45 Association, Inc.

REMARKS:

POSTED BY: Robert E. Holt

DATE OF RETURN: 12/13/88

NUMBER OF SIGNS: 2

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Town, Maryland 21204
404-3553 x 887-3553

J. Robert Haines
Zoning Commissioner

Mr. Raymond Bosley
Baltimore #45 Association, Inc.
2301 Putty Hill Avenue
Baltimore, Maryland 21234

Date: 12-2-88

Re: Petitions for Zoning Variance and Special Hearing
CASE NUMBER: 89-245-SPH
35 Putty Hill Road, 155' E Old Harford Road
(2301 Putty Hill Road)
9th Election District - 6th Councilmanic District
Legal Owner(s): Baltimore #45 Association, Inc.
Lessee: High's of Baltimore, Inc.
HEARING SCHEDULED: WEDNESDAY, DECEMBER 21, 1988 at 9:00 a.m.

Dear Mr. Bosley:

Please be advised that 12-2-88 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post (set) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE OTHER SHALL BE FORFEITED.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 12/2/88 **ACCOUNT:** R-0115

AMOUNT: \$ 115.04

PAID TO: High's of Baltimore, Inc.

FOR: 12/2/88

VALIDATION OR SIGNATURE OF CASHIER:

JRH/88
cc: High's of Baltimore, Inc.
Mr. William P. Rose
FBI

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Town, Maryland 21204
404-3553 x 887-3553

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance and Special Hearing
CASE NUMBER: 89-245-SPH
35 Putty Hill Road, 155' E Old Harford Road
(2301 Putty Hill Road)
9th Election District - 6th Councilmanic District
Legal Owner(s): Baltimore #45 Association, Inc.
Lessee: High's of Baltimore, Inc.
HEARING SCHEDULED: WEDNESDAY, DECEMBER 21, 1988 at 9:00 a.m.

Variance to allow a front yard setback of 10 feet in lieu of the required front average of 62 ft. Special Hearing to amend site plan (Case #73-255) to allow additional retail space (convenience food store) to be situated on the parking lot.

*IF PHASE II OF SHOWN EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 887-3391 TO CONFIRM DATE.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County

APPEAL

Petition for Special Hearing
35 Putty Hill Ave., 155' E Old Harford Road
(2301 Putty Hill Rd.)
9th Election District - 6th Councilmanic District
Legal Owner: Balto. #45 Assn.
Lessee: High's of Balto., Inc.
Petitioner

Case No. 89-245-SPH

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Town, Maryland 21204
404-3553 x 887-3553

J. Robert Haines
Zoning Commissioner

November 9, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance and Special Hearing
CASE NUMBER: 89-245-SPH
35 Putty Hill Road, 155' E Old Harford Road
(2301 Putty Hill Road)
9th Election District - 6th Councilmanic District
Legal Owner(s): Baltimore #45 Association, Inc.
Lessee: High's of Baltimore, Inc.
HEARING SCHEDULED: WEDNESDAY, DECEMBER 21, 1988 at 9:00 a.m.

Variance to allow a front yard setback of 10 feet in lieu of the required front average of 62 ft. Special Hearing to amend site plan (Case #73-255) to allow additional retail space (convenience food store) to be situated on the parking lot.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County

cc: Baltimore #45 Association, Inc.
High's of Baltimore, Inc.
Mr. William P. Rose
FBI

ROBERT E. HOLT
ATTORNEY AT LAW
3636 WOODCROFT ROAD
BALTIMORE, MARYLAND 21234

December 16, 1988

Baltimore County Zoning Board
County Office Building
Towson, Maryland 21204

Gentlemen:

This is to advise that I will attend the zoning hearing scheduled for 1 AM on December 21, 1988 concerning application number 89-245-SPH in order to protect the granting of this application in the name of the Woodcroft Civic Association.

Very truly yours,
Robert E. Holt
Director
Woodcroft Civic Association

RECEIVED
DEC 19 1988
ZONING OFFICE

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<u>Thomas P. Davis</u>	<u>8005 Old Harford Rd. Bal. 21234</u>
<u>William P. Rose</u>	<u>2419 Woodcroft Rd.</u>
<u>Robert E. Holt</u>	<u>2435 Woodcroft Rd. 21234</u>
<u>John E. Vermillion</u>	<u>2301 Woodcroft Road 21234</u>
<u>Harry M. Rose</u>	<u>3708 Woodcroft Road 21234</u>
<u>Robert E. Holt</u>	<u>2408 Burridge Rd. 21234</u>

89-245-SPH

PEOPLE'S COUNSEL SIGN-IN SHEET

NAME	ADDRESS
<u>Bill Monk</u>	<u>LOVELA RD B.D.G.</u>
<u>Tom Darnell</u>	<u>High's 2301 Sisson St. Balto. Md.</u>
<u>Gillian Darnell</u>	<u>" " " "</u>
<u>William P. Rose</u>	<u>2301 Putty Hill Rd. Balto. Md.</u>

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None Submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits:

1. & 2. Preliminary Site Plans (Plate to accompany Petition) ☒
3. Copy of Zoning Plat ☒
4. Two 3" x 5" photographs of surrounding properties ☒
5. Two 3" x 5" photographs of adjacent land use ☒
6. Four 3" x 5" photographs of zoning line ☒
7. Two 3" x 5" photographs of shopping center ☒
8. Two 3" x 5" photographs of High's site ☒
9. Two 3" x 5" photographs of site access ☒
10. One 3" x 5" photograph of Lodge ☒
11. Copy of Capacity Certificate ☒
12. Two 3" x 5" photographs of adjacent land use ☒
13. One 8 1/2 x 11 photograph - High's store ☒

Zoning Commissioner's Order dated January 27, 1989 (Granted w/Restrictions)

Notice of Appeal received February 23, 1989 from Robert E. Holt and Robert L. Ward, Protestants

cc: Mr. William P. Rose, President - Baltimore #45 Association, Inc.
2301 Putty Hill Avenue, Baltimore, Md. 21234

Mr. William Monk, High's of Baltimore, Inc.
22 W. Pennsylvania Avenue, Suite 204A, Towson, Md. 21204

Mr. Thomas Darnell, Vice President & Mr. William Darnell
High's of Baltimore, Inc., 2700 Sisson Street, Balto., Md. 21211

Mr. Robert E. Holt, Representative - Woodcroft Civic Association
2435 Woodcroft Road, Balto., Md. 21234

Mr. Robert L. Ward, 2408 Burridge Road, Baltimore, Md. 21234

Mr. Thomas P. Davis, 8005 Old Harford Road, Baltimore, Md. 21234

Mr. Howard J. Heares, Jr., 2439 Woodcroft Road, Balto., Md. 21234

Mr. John E. Vermillion, 2520 Woodcroft Road, Balto., Md. 21234

Mr. Harry Niklas, 8708 Kador Road, Baltimore, Md. 21234

People's Counsel of Baltimore County
Rm. 305, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Baller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
John W. Mastarowicz, Deputy Zoning Commissioner
James E. Oyer, Zoning Supervisor
Dorset Clerk

WILLIAM MONK

LAND USE PLANNING AND ZONING CONSULTANT

LOYOLA FEDERAL BUILDING
SUITE 204 A
22 W. PENNSYLVANIA
TOWSON, MD 21204
301-494-8931

7620 LITTLE RIVER TURNPIKE
SUITE 620
ANNANDALE, VA 22003
703-941-1830



SURROUNDING PROPERTIES



PROPERTY DIRECTLY ACROSS PUTTY HILL

ZONING LINE

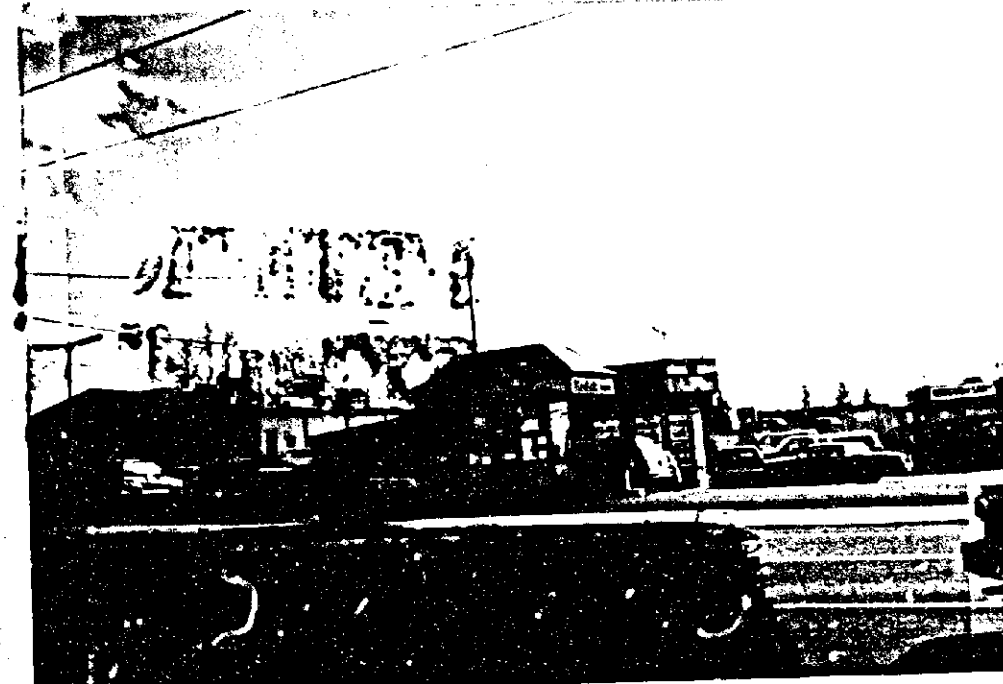
PETITIONER'S
EXHIBIT 4

WILLIAM MONK

LAND USE PLANNING AND ZONING CONSULTANT

LOYOLA FEDERAL BUILDING
SUITE 204 A
22 W. PENNSYLVANIA
TOWSON, MD 21204
301-494-8931

7620 LITTLE RIVER TURNPIKE
SUITE 620
ANNANDALE, VA 22003
703-941-1830



ADJACENT LAND USE



PETITIONER'S
EXHIBIT 5

WILLIAM MONK

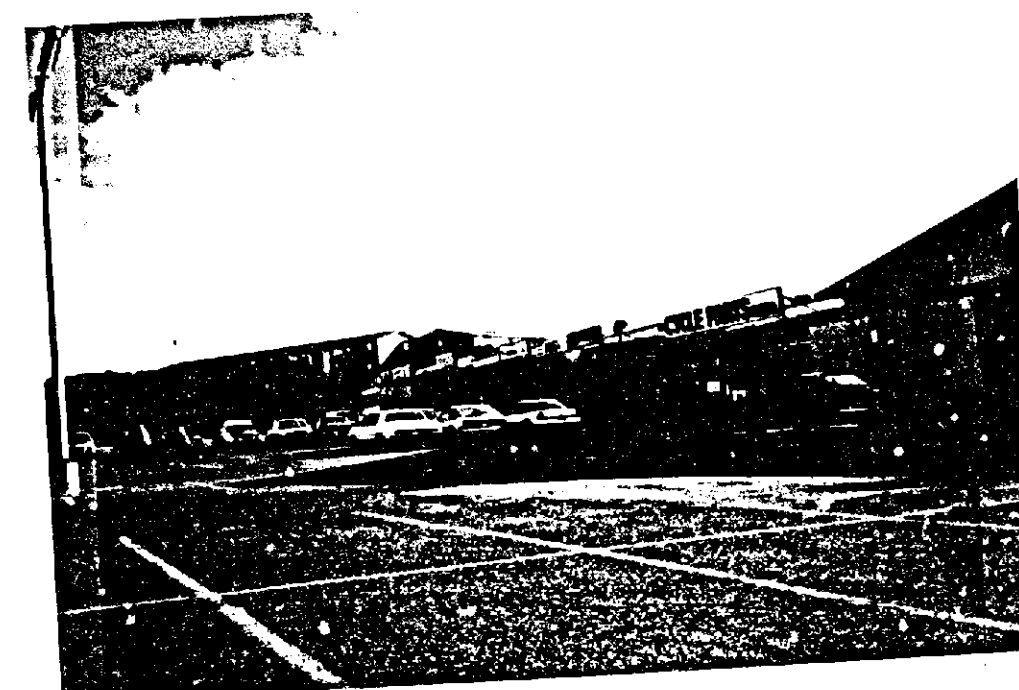
LAND USE PLANNING AND ZONING CONSULTANT

LOYOLA FEDERAL BUILDING
SUITE 204 A
22 W. PENNSYLVANIA
TOWSON, MD 21204
301-494-8931

7620 LITTLE RIVER TURNPIKE
SUITE 620
ANNANDALE, VA 22003
703-941-1830



SHOPPING CENTER



PETITIONER'S
EXHIBIT 7

WILLIAM MONK

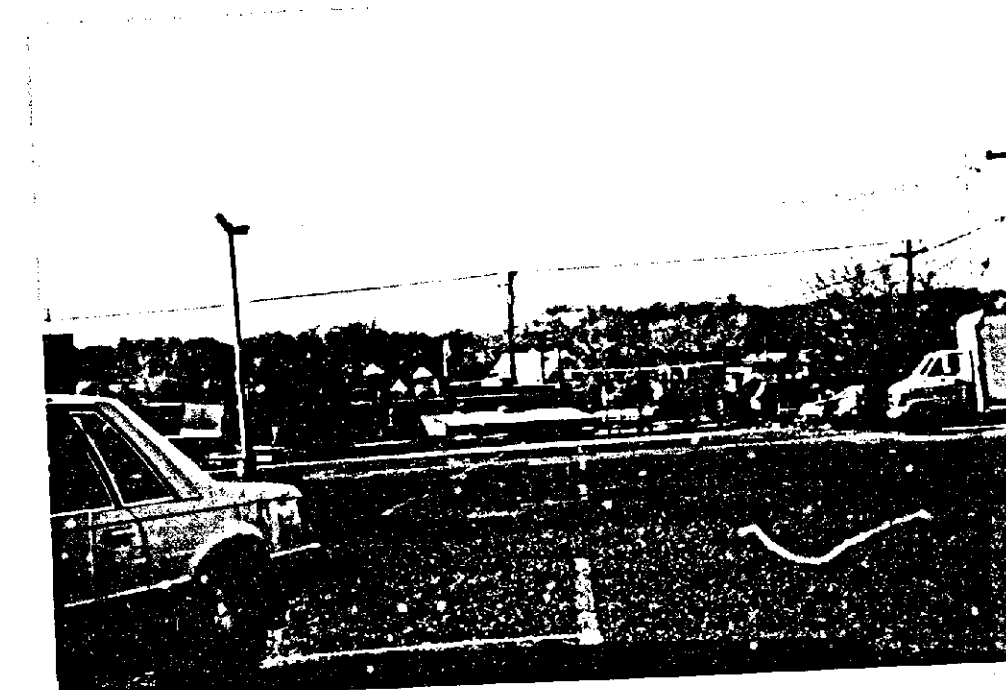
LAND USE PLANNING AND ZONING CONSULTANT

LOYOLA FEDERAL BUILDING
SUITE 204 A
22 W. PENNSYLVANIA
TOWSON, MD 21204
301-494-8931

7620 LITTLE RIVER TURNPIKE
SUITE 620
ANNANDALE, VA 22003
703-941-1830



HIGHS FOOD STORE SITE



PETITIONER'S
EXHIBIT 8

WILLIAM MONK

LAND USE PLANNING AND ZONING CONSULTANT

LOYOLA FEDERAL BUILDING
SUITE 204 A
22 W. PENNSYLVANIA
TOWSON, MD 21204
301-494-8931

7620 LITTLE RIVER TURNPIKE
SUITE 620
ANNANDALE, VA 22003
703-941-1830



SITE ACCESS



MAIN DRIVEWAY AT PUTTY HILL ROAD

RAMP TO OLD HARFORD ROAD

PETITIONER'S
EXHIBIT 9

WILLIAM MONK

LAND USE PLANNING AND ZONING CONSULTANT

LOYOLA FEDERAL BUILDING
SUITE 204 A
22 W. PENNSYLVANIA
TOWSON, MD 21204
301-494-8931

7620 LITTLE RIVER TURNPIKE
SUITE 620
ANNANDALE, VA 22003
703-941-1830

TALL CEDARS OF LEBANON LODGE



PETITIONER'S
EXHIBIT 10

CAPACITY CERTIFICATE

PETITIONER'S
EXHIBIT 11

NOT MORE THAN

265

PERSONS ARE ALLOWED IN THIS

TALL CEDARS - FOREST 45 AT ANY TIME

NAME OF ASSEMBLY

FIRE PREVENTION CODE BALTIMORE COUNTY FIRE DEPARTMENT
OF BALTIMORE COUNTY
SECTION 27.17

PENALTY \$10 TO \$500

WILLIAM MONK

LAND USE PLANNING AND ZONING CONSULTANT

LOYOLA FEDERAL BUILDING
SUITE 204 A
22 W. PENNSYLVANIA
TOWSON, MD 21204
301-494-8931

7620 LITTLE RIVER TURNPIKE
SUITE 620
ANNANDALE, VA 22003
703-941-1830



ADJACENT LAND USE

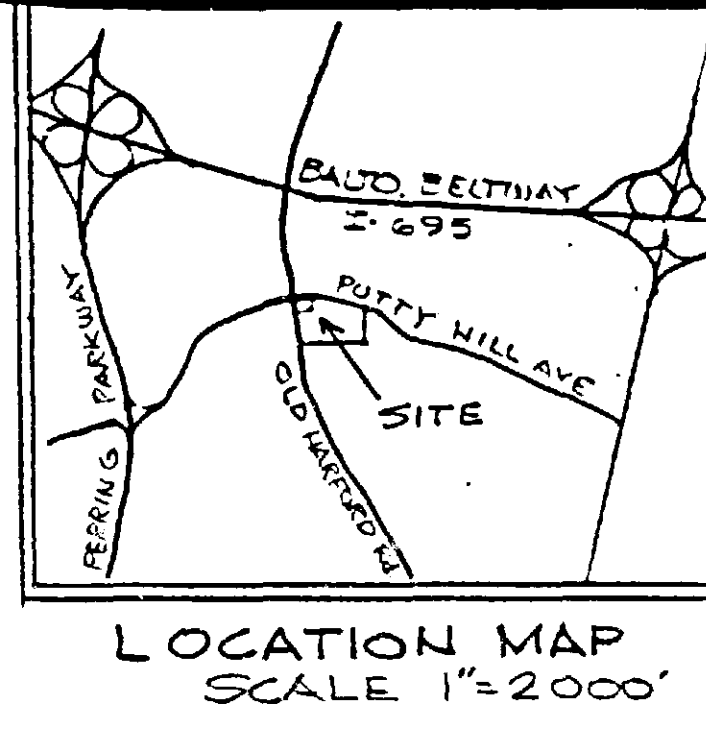
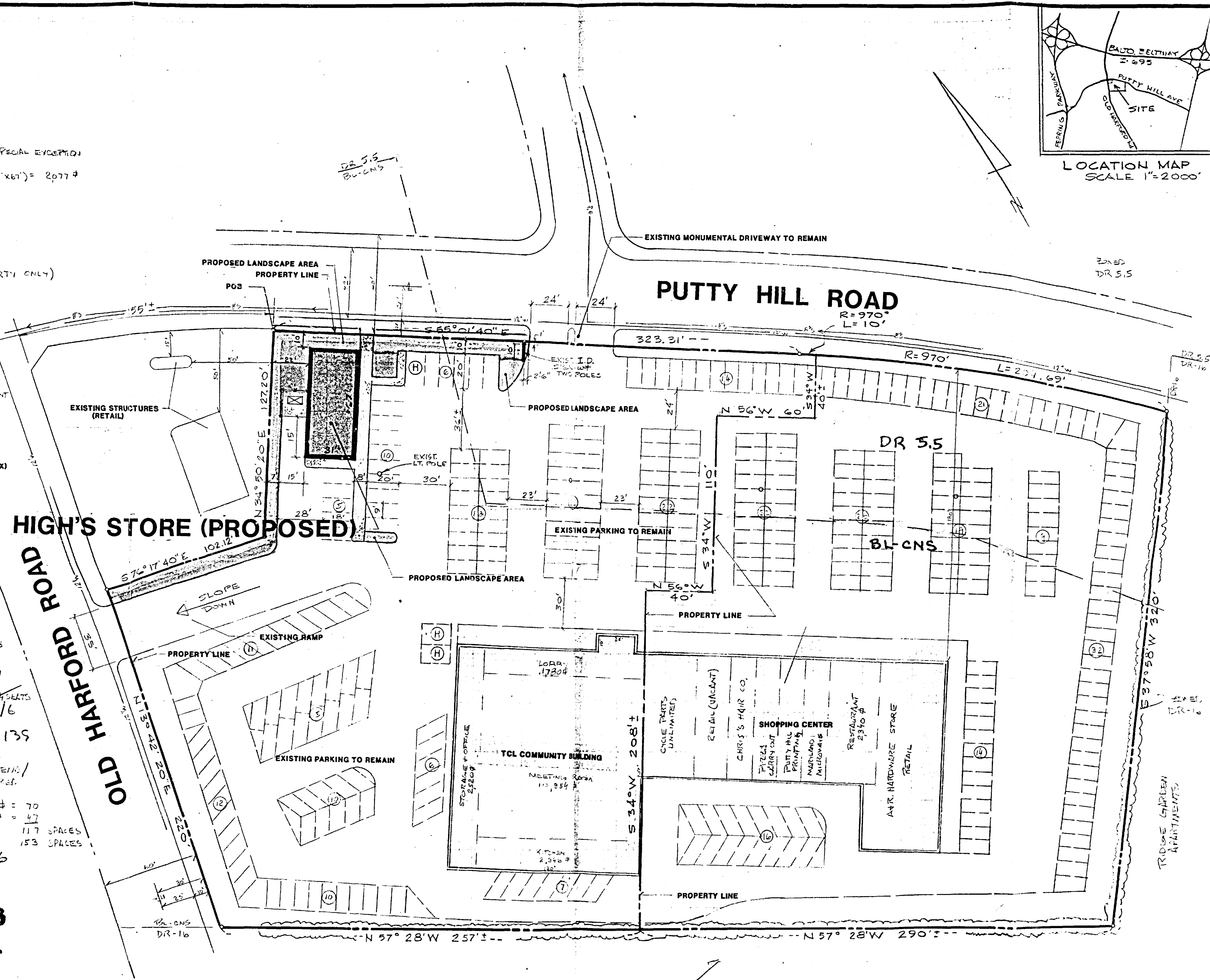


PETITIONER'S
EXHIBIT 12

NOTES:

- 1) ZONING:
EXISTING- BL-CNS + DR 5.5
PROPOSED- BL-CNS + DR 5.5
- 2) LOT AREA: 2,502 A ± (108,987 sq ft)
- 3) EXISTING USE: COMMUNITY BUILDING BY SPECIAL EXCEPTION
- 4) PROPOSED USE: CONVENIENCE FOOD STORE
- 5) BUILDING AREA: CONVENIENCE FOOD STORE (31'x61') = 2,077 sq ft
- 6) BUILDING SETBACKS: REQUIRED PROVIDED
FRONT- (SEC 303.2) 32'± 10'
INTERIOR SIDE- 0' 22'
REAR- 20' 23'±
STREET CORNER SIDE- NA NA
- 7) PARKING: SEE #17
REQUIRED-
PROVIDED- 170 SPACES (TCL PROPERTY ONLY)
- 8) UTILITIES:
SEWER- PUBLIC
WATER- PUBLIC
- 9) VARIANCES:
N/A FROM VARIOUS SETBACKS
- 10) SPECIAL EXCEPTION/CONDITIONAL USE:
NONE
- 11) ELECTION DISTRICT: 1
- 12) COUNCILMANIC DISTRICT: 6
- 13) SUBSEWERSEDS: 50
- 14) WATERSHED: 22
- 15) CENSUS TRACT: 4721.01
- 16) A SPECIAL HEARING IS REQUIRED TO AMEND THE APPROVED SPECIAL EXCEPTION PLAN (CASE 73 - 293 X)
- 17) PARKING REQUIRED
SECTION 40116 B (3)
SHARED PARKING
MAXIMUM DENSITY IS WEEKEND/DAYTIME
ASSUMES 100% FOR BOTH USES
HIGHS FOOD STORE @ 5/1000 = 11
TCL LODGE
TOTAL AREA = 17000 sq ft
- AREA DEVOTED TO KITCHEN, LOBBY, STORAGE + OFFICE = 6946 sq ft @ 2.3/1000 sq ft = 22 SPACES
- AREA DEVOTED TO MEETING ROOM = 10354 sq ft
762 ASSUME 500 SEATS @ 1/4 SEATS 116
128 1/2 SPACES
TOTAL REQUIRED = 157 SPACES
TOTAL PROVIDED = 170 SPACES 135
- 18) PARKING REQUIRED FOR REMINDER OF SHOPPING CENTER - ASSUMES WEEKEND/DAYTIME, THEREFORE 100% REQUIRED.
- RETAIL 13856 sq ft @ 5/1000 sq ft = 70
- RESTAURANT 2340 sq ft @ 1/50 sq ft = 47
TOTAL REQUIRED 117 SPACES
PARKING PROVIDED 153 SPACES
- 19) TOTAL SPACES REQUIRED = 256
TOTAL SPACES PROVIDED = 323

PETITIONER'S
EXHIBIT 1



PRELIMINARY SITE PLAN

PLAT TO ACCOMPANY SPECIAL HEARING
AND VARIANCE APPLICATION
PUTTY HILL SHOPPING CENTER
PUTTY HILL ROAD AND OLD HARFORD ROAD
BALTIMORE COUNTY, MARYLAND

PREPARED BY:
WILLIAM P. MONK
PLANNING AND ZONING CONSULTANT
LOYOLA FEDERAL BUILDING
SUITE 204A
22 W PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 494-8931

PREPARED FOR:

HUGHES OF BALTIMORE, INC.
2000 SOUTH STREET
BALTIMORE, MD 21204

SCALE: 1" = 30'
DRAWN BY: 5/17
DATE: 10/10/23
REVISED:

89-245-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
26th day of October, 1988.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

Petitioner: Balto #45 Assoc., Inc./L.C.
Petitioner's Attorney: James E. Dyer
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 14, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. William P. Monk
22 W. Pennsylvania Avenue
Towson, Maryland 21204
RE: Item No. 153, Case No. 89-245-SPHA
Petitioner: Baltimore #45 Association, Inc./Legal Owner
Highs of Baltimore, Inc./Lessee
Petition for Special Hearing and Zoning Variance

Dear Mr. Monk:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Baltimore #45 Association, Inc.
Highs of Baltimore, Inc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner Date: December 6, 1988
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
Highs Stores of Baltimore
SUBJECT: Zoning Petition No. 89-245-SPHA

The applicant is requesting a special hearing to allow a convenience store to be located within an existing shopping center. In reference to this request, staff provides the following information:

- The applicant is proposing the construction of a 31 foot by 67 foot convenience store. The construction will result in the rearrangement of the parking lot area. A total of 243 spaces are required on site and 323 are being provided. The TOL section of the site (of which the High's Store will be located, is required to provide 126 parking spaces and 170 are being provided. Parking is adequate for the site.
- The applicant applied for and was granted a waiver (#88-186) of CRO plan and process on July 21, 1988 by the Baltimore County Planning Board.

Based upon the analysis conducted and information provided, staff recommends approval of the applicant's request subject to the following:

- A landscape plan, including screening and streetscape shall be required and approved by the County Landscape Planner prior to approval.

PK/sf

RECEIVED
DEC 8 1988

ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3554

October 28, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 440, 58, 102, 128, 144, 145, 147, 150, 151, 153, 154, 155, 156, and 157.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineering Associate

MSF/lw

RECEIVED
NOV 9 1988
ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 153, Zoning Advisory Committee Meeting of October 25, 1988
Property Owner: Baltimore #45 Association, Inc.
Location: 2501 Putty Hill Rd. District 9
Water Supply metro Sewage Disposal metro

COMMENTS ARE AS FOLLOWS:

- Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- Prior to use installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- A permit to construct from the Bureau of Air Quality Management is required for any charcoal-broiler operation which has a total cooking surface area of five (5) square feet or more.
- Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appearances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- Soil percolation tests, have been _____, must be _____, conducted.
- The results are valid until _____.
- Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- Prior to occupancy approval, the possibility of the water supply must be verified by collection of bacteriological and chemical water samples.
- If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- Others _____

Karen M. Murray
KAREN M. MURRAY
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinecke
Chief

December 2, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Legal Owner - Balto. #45 Assoc., Inc.
Lessee - Highs of Balto., Inc.
Location: S/S Putty Hill Rd., 155' E. of Old Harford Road
2501 Putty Hill Road
Item No.: 153

Zoning Agenda: Meeting of 10/25/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- 2. A second means of vehicle access is required for the site.
- 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- 6. Site plans are approved, as drawn.
- 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reinecke* NOTED & APPROVED: _____
Special Inspection Division
Fire Prevention Bureau
* Fire Hydrant at 300' intervals. New fire hydrant shall be installed at 300' main driveway entrance on Putty Hill Avenue



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 496-3180 887-3180

HEARING ROOM -
Room 301, County Office Building

March 23, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-245-SPHA BALTIMORE #45 ASSOCIATION (HIGHS)

25 Putty Hill Avenue, 155' E Old Harford Road (2501 Putty Hill Ave.)

9th Election District
6th Councilmanic District

SPH -To amend site plan to allow additional retail space for Highs on parking lot.

1/27/89 -Z.C.'s Order GRANTING Petition for Special Hearing with restrictions.

ASSIGNED FOR: TUESDAY, JULY 25, 1989 at 10:00 a.m.

cc: Mr. Robert L. Ward

Appellant/Protestant

Mr. Robert E. Holt

" "

Mr. William R. Bosley, Pres.
Balto. #45 Assn., Inc.

Petitioner

William Monk, Esquire

Attorney for Petitioner

Mr. Thomas Darnell

Mr. William Darnell

Mr. Thomas P. Davis

Mr. Howard J. Benson, Jr.

Mr. John E. Vermillion

Mr. Harry Miklas

Paul H. Reinecke, Chief

Fire Department

Patrick Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

Docket Clerk -Zoning

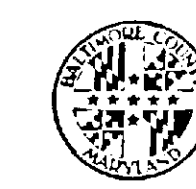
Arnold Jablon, County Attorney

Office of Law

LindaLee M. Kuszmaul

Legal Secretary

3/30/89 -Letter from Petitioner -not going ahead w/store at this location. Confirmed 6/13/89 w/Darnell's office. Contacted Appellants/Protestants -they will show up on 7/25/89.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

April 7, 1989

Mr. Robert E. Holt, Director
Woodcroft Civic Association, Inc.
2435 Woodcroft Road
Baltimore, MD 21234

RE: Case No. 89-245-SPHA
Baltimore #45 Association (Highs)

Dear Mr. Holt:

Enclosed is a copy of a letter which was recently received by the County Board of Appeals. This letter was written by Mr. Darnell on behalf of High's of Baltimore, Inc. with reference to their proposed store at Putty Hill Avenue and Harford Road, Case No. 89-245-SPHA.

Since neither Mr. Darnell nor High's of Baltimore is the Appellant in the subject case pending before the Board of Appeals, we cannot dismiss this appeal as requested in his letter. Please contact me at your earliest convenience to discuss this matter. I will be out of town next week and will return to the office on Friday, April 14, and would appreciate a call from you after that time.

Please note that we attempted to contact you and/or Mr. Ward by telephone but were unsuccessful in obtaining a telephone number.

Very truly yours,

William R. Bosley
William R. Bosley
Administrative Secretary

Enclosure

cc: Mr. Robert L. Ward
Mr. Thomas B. Darnell
Mr. William R. Bosley
Balto. #45 Assn., Inc.)
Mr. William P. Monk

*4/13
Spoke w/Bosley
Revised 10:30am
They are not
involving plan -
4/13/89
msf*

HIGHS OF BALTIMORE, INC.

2700 SISSON STREET BALTIMORE, MARYLAND 21211 235-8258

March 29, 1989

County Board of Appeals
County Office Building
111 W. Chesapeake Ave.
Towson, MD 21204

Re: Case No. 89-245-SPHA

To Whom it May Concern,

High's has decided not to build the store at Putty Hill Avenue and Harford Road and, therefore, the appeal for the referenced case may be dropped.

Sincerely,

[Signature]
Thomas B. Darnell
Vice President

TBD/ge

20-2113 OC WNW63
OFFICE OF ZONING
RECEIVED

ed: --- est for Tuesday, July 25, 1989 at 10:00 a.m.:

Telephone call from office of William Monk:
3/31/89

- Mr. Monk is not an attorney but a real estate consultant (contrary to info in zoning file)
- Also wanted to advise us that we were given wrong address; address is 100 W. Pa Ave, Suite 305

3/30/89 -Received letter from T. Darnell, High's, regarding their decision not to build at subject location and that appeal may be dismissed.

4/07/89 -Telephone call was placed to Mr. Darnell advising him that only the Appellants in this case could move for dismissal of appeal; this call was placed 3/30/89. On this date, a letter was sent to the Appellants (R. Holt and R. Ward) with a copy of Darnell letter asking that they contact this office regarding this matter.

4/18/89 -Spoke w/R. Holt. Protestants/Appellants will appear for hearing on 7/25/89 as scheduled to argue against Petition.

6/13/89 -Spoke w/Beth Rogers in Mr. Darnell's office. High's still has no intention of pursuing store at this location; date of 7/25/89 can be used for another hearing.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-8833
J. Robert Haines
Zoning Commissioner

March 3, 1989



Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
SS Putty Hill Ave., 155' E Old Harford Road
(2501 Putty Hill)
9th Election District, 6th Councilmanic District
Legal Owner: BALTO. #45 ASSN.
Lessees: HIGHS OF BALTO., INC.
Petitioners
Case No. 89-245-SPHA

Dear Board:

Please be advised that an appeal for the Special Hearing portion of the above-referenced case was filed in this office on February 22, 1989 by Robert E. Holt and Robert L. Ward, Protestants. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
[Signature]
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. William R. Bosley, President - Baltimore #45 Association, Inc.
2501 Putty Hill Avenue, Baltimore, Md. 21234

Mr. William Monk, Esquire
22 W. Pennsylvania Avenue, Suite 204A, Towson, Md. 21204

Appeal - Case No. 89-245-SPHA
March 7, 1989
Page 2

Mr. Thomas Darnell, Vice President & Mr. William Darnell
High's of Baltimore, Inc., 2700 Sisson Street, Balto., Md. 21211

Mr. Robert E. Holt, Representative - Woodcroft Civic Association
2435 Woodcroft Road, Balto., Md. 21234

Mr. Robert L. Ward, 2408 Burrigade Road, Baltimore, Md. 21234

Mr. Thomas P. Davis, 8605 Old Harford Road, Baltimore, Md. 21234

Mr. Howard J. Beares, Jr., 2439 Woodcroft Road, Balto., Md. 21234

Mr. John E. Vermillion, 2520 Woodcroft Road, Balto., Md. 21234

Mr. Harry Miklas, 8708 Roper Road, Baltimore, Md. 21234

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-8833 887-3180

HEARING ROOM -
Room 301, County Office Building

March 23, 1989
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

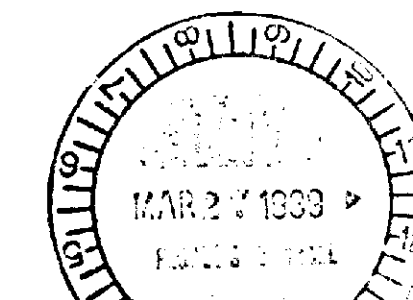
CASE NO. 89-245-SPHA BALTIMORE #45 ASSOCIATION (HIGHS)

SS Putty Hill Avenue, 155' E Old Harford Road (2501 Putty Hill Ave.)

9th Election District
6th Councilmanic District

SPH -To amend site plan to allow additional retail space for High's on parking lot.

1/27/89 -Z.C.'s Order GRANTING Petition for Special Hearing with restrictions.



ASSIGNED TO: TUESDAY, JULY 25, 1989 at 10:00 a.m.

cc: Mr. Robert L. Ward Appellant/Protestant

Mr. Robert E. Holt

Mr. William R. Bosley, Pres. Petitioner
Balto. #45 Assn., Inc.

William Monk, Esquire Attorney for Petitioner

Mr. Thomas Darnell

Mr. William Darnell

Mr. Thomas P. Davis

Mr. Howard J. Beares, Jr.

Mr. John E. Vermillion

Mr. Harry Miklas

People's Counsel of Baltimore County

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J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

Docket Clerk -Zoning

Arnold Jablon, County Attorney Office of Law

LindaLee M. Kusznaul
Legal Secretary

Woodcroft Civic Association Inc.

Baltimore, Maryland 21234

February 21, 1989

To the Zoning Commission of Baltimore County Maryland

This is an appeal from the Commission's ruling on January 25, 1989 in the zoning case no. 89-245SPHA

WE the representative of the Woodcroft Civic Association file this appeal based on the following three reasons:

1. We believe that altho the area was ans is zoned commercial, that ruling was made at least 25 years ago and since that time the population has increased by at least fifty percent and this of course, has increase the vehicular traffic by at least that same percentage.
2. An element not considered by the Ruling Officer was that of easy egress for the Fire and Police Departments Emergency equipment on the either Putty Hill avenue or Old Harford road if the intersection was blocked by vehicles waiting on the light at the intersection of these two roads. The Fire and Police building occupies the southwest corner of this intersection.
3. Recent studies by the Baltimore County Division of Traffic Engineering have shown that this intersection (Putty Hill and Old Harford) is near it's designation of a "failing intersection" and we firmly believe that any additional development would surely push this intersection into a "faillied" status.

We believe that the foregoing reasons are sufficient to overturn the ruling made by the Zoning officer on January 25, 1989 and rebut the conclusion that such additional development would not adversely affect the community.

RECEIVED
FEB 22 1989

ZONING OFFICE

[Signature]
Robert E. Holt
Director
[Signature]
Robert L. Ward

NOTES:

- 1) ZONING:
EXISTING- B.L.-CNS & DR 5.5
PROPOSED- B.L.-CNS & DR 5.5
- 2) LOT AREA: 2,502 A ± (109,787 sq ft)
- 3) EXISTING USE: COMMUNITY BUILDING BY SPECIAL EXCEPTION
- 4) PROPOSED USE: CONVENIENCE FOOD STORE
- 5) BUILDING AREA: CONVENIENCE FOOD STORE (31'x67') = 2,077 sq ft
- 6) BUILDING SETBACKS: REQUIRED PROVIDED
FRONT- (SEE 203.2) 27'± 10'
INTERIOR SIDE- 0' 22'
REAR- 20' 23'±
STREET CORNER SIDE- NA NA
- 7) PARKING: SEE #17
REQUIRED-
PROVIDED- 170 SPACES (TCL PROPERTY ONLY)
- 8) UTILITIES:
SEWER- PUBLIC
WATER- PUBLIC
- 9) VARIANCES:
A) FRONT YARD SETBACK

10) SPECIAL EXCEPTION/CONDITIONAL USE:

- 1) ELECTION DISTRICT: 7
- 2) COUNCILMANIC DISTRICT: 6
- 3) SUBSEWERED: 53
- 4) WATERSHED: 22
- 5) CENSUS TRACT: 4721.01
- 6) A SPECIAL HEARING IS REQUIRED TO AMEND THE APPROVED SPECIAL EXCEPTION PLAN (CASE 73 - 293 X)

17) PARKING REQUIRED

SECTION 401.5 (3) (C)
CHURCH PARKING

16,000 sq ft
TCL LODGE

TOTAL AREA = 17,000 sq ft
- AREA DEDICATED TO KITCHEN, LOBBY, OFFICE & OFFICE = 6,000 sq ft @ 2.3/1000 sq ft = 13.8 SPACES
- AREA DEDICATED TO MEETING ROOMS = 10,000 sq ft @ 1.0/1000 sq ft = 10 SPACES
TOTAL REQUIRED = 23.8 SPACES
TOTAL PROVIDED = 170 SPACES

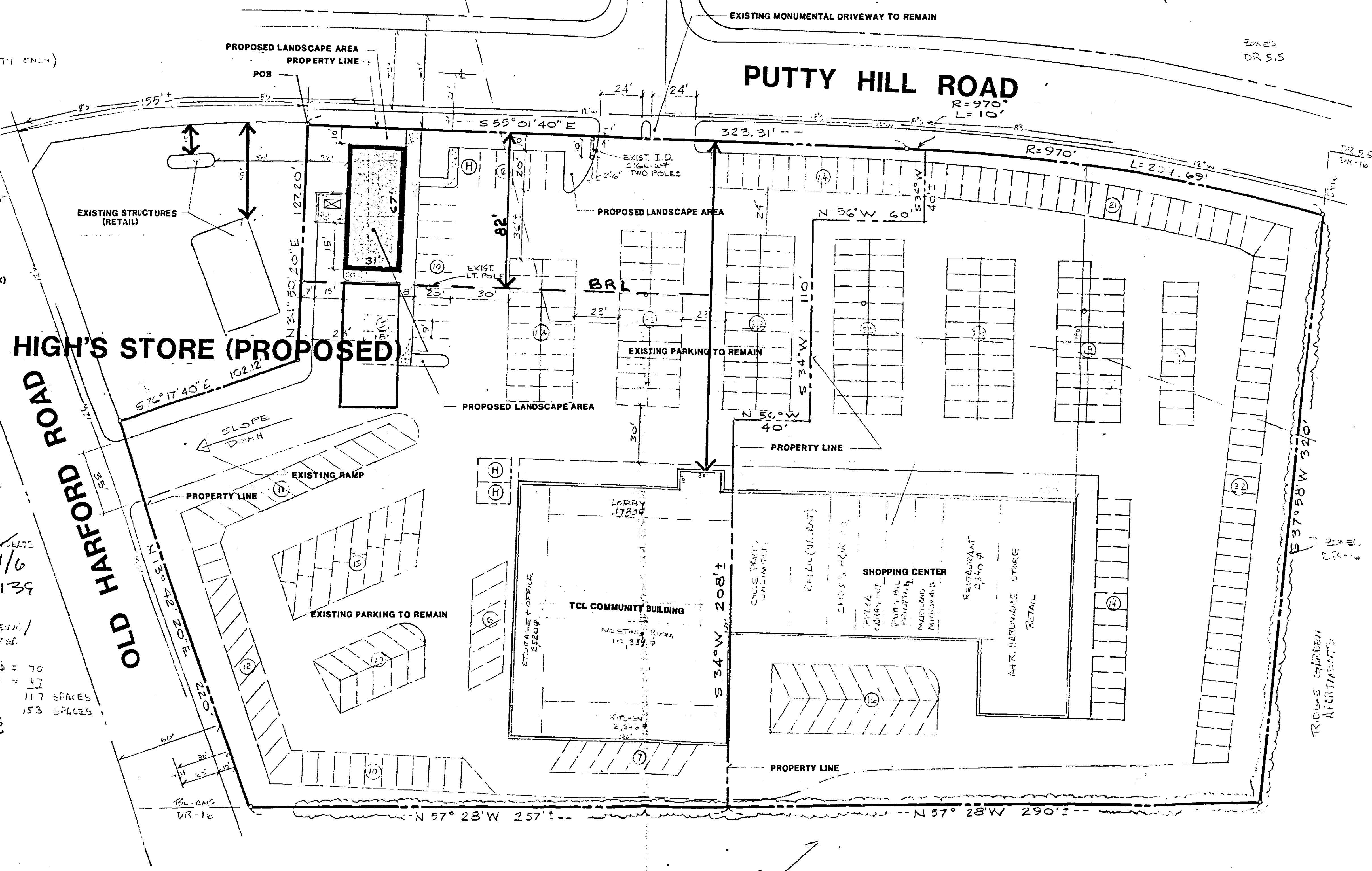
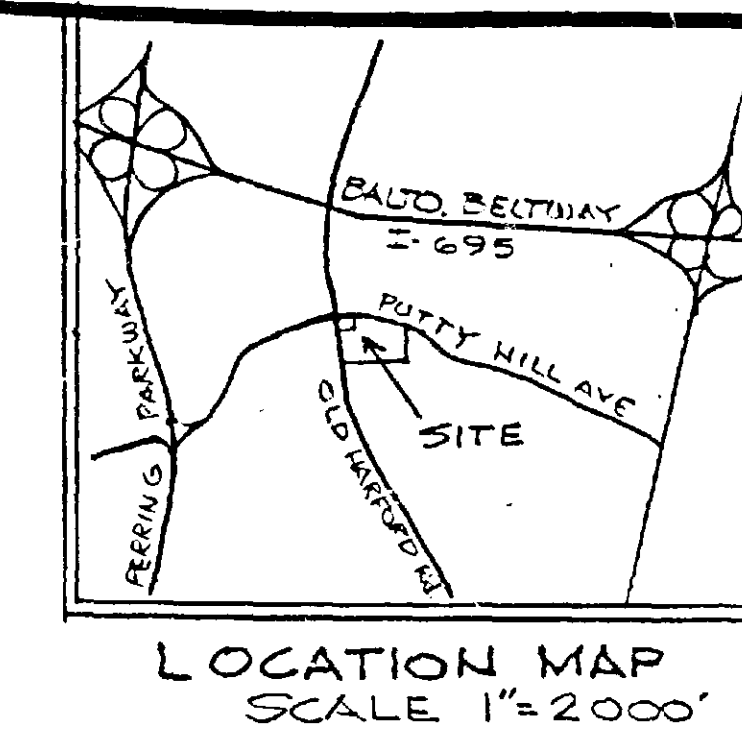
769
1287 sq ft @ 11/1000 sq ft = 11.6 SPACES
TOTAL REQUIRED = 23.8 SPACES
TOTAL PROVIDED = 170 SPACES

19) PARKING REQUIRED FOR REMINDER OF SHOPPING CENTER - REQUIRED 133 SPACES, THEREFORE 100% REQUIRED.

- RETAIL 13,356 sq ft @ 5/1000 sq ft = 70 SPACES
- RESTAURANT 2,340 sq ft @ 11/500 sq ft = 47 SPACES
TOTAL REQUIRED = 117 SPACES
PARKING PROVIDED = 153 SPACES

256
TOTAL SPACES REQUIRED = 256
TOTAL SPACES PROVIDED = 323

PETITIONER'S EXHIBIT 2



PRELIMINARY SITE PLAN

PLAT TO ACCOMPANY SPECIAL HEARING
AND VARIANCE APPLICATION
PUTTY HILL SHOPPING CENTER
PUTTY HILL ROAD AND OLD HARFORD ROAD
BALTIMORE COUNTY, MARYLAND

PREPARED BY:
WILLIAM P. MONK
LAND USE PLANNING AND ZONING CONSULTANT
LAW OFFICE OF WILLIAM P. MONK
SUITE 204A
22 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 494-8931

PREPARED FOR:
RIDGE GARDEN APARTMENTS, INC.
2200 OLD HARFORD ROAD
BALTIMORE, MD 21204

SCALE: 1" = 30'	DRAWN BY: J.L.	DATE: 10/10/00	REVISED:
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